

**BCC Meeting: December 4, 2018**  
**Research Notes**

**Item No. 5A**

**File No. 182606/182775**

**Researcher: MF   Reviewer: TD**

RESOLUTION REVISING THE INVENTORY LIST OF REAL PROPERTY, AFTER A PUBLIC HEARING, TO INCLUDE ON SUCH LIST ONE COUNTY-OWNED PROPERTY LOCATED AT 276 N.E. 78TH STREET, MIAMI, FLORIDA IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF SUCH PROPERTY TO HOUSING PROGRAMS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF REHABILITATING AN EXISTING HOUSE LOCATED ON THE PROPERTY AND SELLING SUCH HOUSE TO A VERY LOW, LOW- OR MODERATE INCOME HOUSEHOLD, SUBJECT TO CERTAIN RESTRICTIONS; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE, AND RELEASE OR SATISFY COUNTY LIEN(S)

**ISSUE/REQUESTED ACTION**

Whether the Board should revise the Inventory List of real property, after a public hearing, to include one County-owned property located at 276 N.E. 78<sup>th</sup> Street; and whether the Board should authorize conveyance of such property to Housing Programs, Inc., a Florida not-for-profit corporation, at a price of \$10.00, for the purpose of rehabilitating an existing house located on the property and then selling the house to a very low, low or moderate income household, subject to certain restrictions.

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Administrative Order No. 8-4** states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.”

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**Section 125.379(1) Florida Statutes** requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

**Section 125.379(2) Florida Statutes** prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

**Section 125.38 of the Florida Statutes** states that “[i]f the United States, or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any County of this State or by its board of county commissioners, for public community interest and welfare, then the United States, or any department or agency thereof,

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State or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/Sections/0125.38.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.38.html)

**Section 125.411 Florida Statutes** relates to deeds of conveyance of lands

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

**Miami-Dade County Code, Section 2-8.6.5** governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

**Resolution No. R-376-11**, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

**Resolution No. R-333-15**, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

**Resolution No. R-979-17**, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

**Resolution No. R-974-09**, adopted on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

**Resolution No. R-380-17**, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

**Resolution No. R-997-14**, adopted by the Board on November 5, 2014, authorized the conveyance of three County-owned properties to Housing Programs, Inc., a not-for-profit 501 (C)(3) corporation, at a price of ten dollars pursuant to Section 125.38 of the Florida Statutes.

<http://intra/gia/matter.asp?matter=142166&file=true&yearFolder=Y2014>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Audrey M. Edmonson, District 3**

**Department/Requester: None**

The proposed resolution was considered at the November 19, 2018 Housing and Social Services Committee meeting.

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Assistant County Attorney Terrence Smith read the following amendment into the record: The last Whereas Clause on handwritten page 4 should be amended to strike the words “County Commissioner of District 3” and insert the words “Miami-Dade Public Housing and Community Development”.

The proposed resolution was forwarded to the BCC with a favorable recommendation, as amended.

**ANALYSIS**

On July 25, 2014, Housing Programs, Inc., a not-for-profit corporation, submitted an application to the Board requesting that it be conveyed three parcels of land for the purpose of developing the properties with affordable housing to be offered to Section 8 and other low income families. Section 8 is a common name for the Housing Choice Voucher Program, funded by the U.S. Department of Housing and Urban Development. Housing Programs also proposed to develop a program to assist these families to become homeowners.

Resolution No. R-997-14 authorized the conveyance of the three County-owned properties to Housing Programs, Inc., a not-for-profit 501 (C)(3) corporation, at a price of \$10.00 pursuant to Section 125.38 of the Florida Statutes. On May 4, 2015, the properties were conveyed to Housing Programs by a County Deed containing an automatic reverter and certain restrictions, including that the project should be completed within two years of the conveyance.

Subsequent to the conveyance of the properties, Housing Programs notified the County that it was no longer financially feasible to develop the properties with the project. At the expiration of two years, two of the properties automatically reverted to the County. However, Housing Programs sent a letter dated May 30, 2018, to the County Commissioner for District 3 with a new plan to develop one of the reverted properties, located at 276 N.E. 78<sup>th</sup> Street. Housing Programs indicated that according to information obtained from Miami-Dade County records the existing home, which was originally built in 1925, and is located on a 6,200 sq. ft. lot, has four bedrooms and three baths. Housing Programs plans to replace kitchen cabinets, bathroom cabinets, all plumbing fixtures, and all electrical fixtures. It will also re-paint and replace the flooring. If necessary it will re-roof the existing house bringing it to code. After the rehabilitation of the existing home, it plans to sell it to a qualified low-income homebuyer through the Miami-Dade first-time homebuyer program for no more than \$205,000.00.

Section 125.379, Florida Statutes, provides that “the properties identified as appropriate for use as affordable housing on the inventory list adopted by the County may be offered for sale ... or may be donated to a non-profit housing organization for the construction of permanent affordable housing”.

The proposed resolution seeks the Board’s authorization to revise the Inventory List of real property, after a public hearing, to include the County-owned property located at 276 N.E. 78<sup>th</sup> Street, Miami, in accordance with Section 125.379(1) of the Florida Statutes. Further, the proposed resolution seeks the Board’s authorization to convey, pursuant to Section 125.379(2) of the Florida Statutes, the property to Housing Programs at a price of \$10.00, for the purpose of rehabilitating an existing house located on the property and selling such house to a very low, low or moderate income household, subject to the following conditions:

1. Housing Programs shall rehabilitate the existing house within two years from the conveyance of the Reverted Property, unless extended by this Board;
2. Housing Programs shall rehabilitate the existing house subject to guidelines established by the County, which may include the guidelines adopted by this Board for the Infill Housing Initiative Program, where applicable;
3. Housing Programs shall sell the house to a qualified homebuyer, who has participated in a County approved first-time homebuyers program and whose income range is up to 140 percent of the Area Median Income, as determined by the United States Department of Housing and Urban Development for Miami-Dade County;

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4. Housing Programs shall require the homebuyer to execute and record in the Public Records of Miami-Dade County a 20-year restrictive covenant in favor of the County, in a form approved by the County Mayor or his designee.

In the event the conditions set forth above are not met, then the property will again revert to the County, at its sole option. Any extensions beyond the two years to complete the rehabilitation of the house on the property will be subject to the Board's approval.

The proposed conveyance will save the County from monitoring the property. In addition, it will save the County lawn maintenance costs of approximately \$270.00 annually. Also, the newly-renovated home will generate higher real estate taxes for the County.

Below is an aerial view of the property located at 276 N.E. 78<sup>th</sup> Street, Miami :



**ADDITIONAL INFORMATION**

Area Median Income (AMI): Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD uses the five-year estimates of the American Community Survey – a national survey similar to the United States Census – to measure household income. HUD distinguishes between three types of households: households earning less than 80 percent of the AMI are considered low-income; very low-income households earn less than 50 percent of the AMI; and extremely low-income households earn less than 30 percent of the AMI.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Housing Programs, Inc., has an active status as a Florida Not-for-Profit Corporation and first filed and registered on 10/14/2011. The principal

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address is registered as 16499 NE 19<sup>th</sup> Ave., Suite 212, North Miami, FL 33162. Its registered agent is Simhon, Isaac, 16499 NE 19<sup>th</sup> Ave., Suite 212, North Miami, FL 33162.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department, and received the following responses:

- Please provide more information regarding how Housing Programs plans to rehabilitate the house? Specifically, how many bedrooms and baths will the house have? And what will be its sale price? **Housing Programs sent a letter to PHCD explaining that it was not financially feasible to develop affordable multi-family rental units on the property. It indicated that according to information obtained from Miami-Dade records the existing home has four bedrooms and three baths. Housing Programs plans to replace kitchen cabinets, bathroom cabinets, all plumbing fixtures, and all electrical fixtures. It will also re-paint and replace the flooring. In necessary it will re-roof the existing house and bring it up to code. After the rehabilitation of the existing home, it plans to sell it to a qualified low-income homebuyer through the Miami-Dade First-time homebuyer program.**